IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4072 OF 2007

Jayanta Bhattacherjee .... Petitioner

Vs.

The Regional Provident Fund Commissioner, Thane-I & Ors. .... Respondents

Mr. R.K. Ghosh for the Petitioner.

Mr. Sachin Gite for Mr. M.S. Karnik for Respondent nos. 1 and 2.

Mr. M.S. Bhardwaj for Respondent no. 3.

CORAM : D.B. BHOSALE, J.
DATE : 31ST JULY, 2007

P.C.

1) Heard Mr. Ghosh, learned Counsel for the Petitioner, Mr. Sachin Gite for Respondent Nos. 1 and 2 and Mr. M.S. Bhardwaj for Respondent no. 3. None present for Respondent no. 4, though served.

2) In this Writ Petition under Article 226 of the Constitution of India, the substantive prayer of the Petitioner reads thus :

> "(a) That this Hon'ble Court be pleased to issue appropriate writ, order or

direction calling upon the Respondent Nos. 1 to 3 to submit and produce all the records concerning the Petitioner's PF A/c. No. MH/36733/9 to this Hon'ble Court and on perusal and scrutiny thereof direct the Respondent Nos. 1 to 3 to forthwith enforce settle and pay the Petitioner's claim thereunder, as due to him under the Provisions of the said Act and the said Scheme".

3) Admittedly respondent Nos. 1 to 3 have not taken steps / action against the respondent-employer who has committed default in remitting its Contribution as provided for under the provisions of the Employees Provident Fund & Miscellaneous Provisions Act, 1952.

4) Mr. Sachin Gite, learned Counsel for respondent nos. 1 and 2 at the outset submits that they shall take an appropriate steps / action against respondent no. 4 within a period of four weeks from today. His statement is accepted. Until respondent Nos. 1 and 2 take the appropriate steps / action, as aforesaid, and the entire amount which respondent no. 4 is liable to pay is recovered, they are restrained from disposing of

their registered office and the place of business, as mentioned in the title of the Petition. It is made clear that respondent no. 4, in any case shall not dispose of these assets without permission of respondent nos. 1 and 2.

5) In view of the statement of the learned counsel for respondent nos. 1 and 2, recorded and accepted, the learned counsel for the petitioner does not press this petition. The writ petition is disposed of.

(D.B. BHOSALE, J.)